

PROCEEDINGS  
OF THE  
COMMON COUNCIL.  
REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS, }  
*Monday, January 29th, 1877—7 o'clock P. M.* }

The Common Council met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members:

Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Absent—Councilmen Bugbee, Kenzel, and Reasener—3.

The proceedings of the regular session, held January 22d, 1877, were read and approved.

## REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

*Indianapolis, January 29, 1877.*

To the Mayor and Common Council of the City of Indianapolis:

*Gentlemen* :—I herewith report the following estimates for work done :

A first and partial estimate allowed William S. White for building a fire cistern at the corner of Laural and Orange streets—

1124.37 barrels, at 37 cents.....	\$416 01
Less amount kept back.....	124 80
Present payment.....	<u>\$291 21</u>

Also, a second and final estimate allowed Irwin & Hanna for grading and graveling Third street and sidewalks, from Central Canal to West street—

744 lineal feet, at 31½ cents....	\$234 36
6.8 yards gravel, at 55 cents....	3 74
Total.....	<u>\$238 10</u>
Less former payment.....	234 36
Final payment.....	<u>\$3 74</u>

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

*Resolved*, That the foregoing second and final estimate allowed Irwin & Hanna for grading and graveling Third street and sidewalks from the Central Canal to West street, be, and the same is, hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Byram, Case, Craft, Darnell,

January 29, 1877.]

COMMON COUNCIL.

Izor, Morse, McGill, McGinty, Ransdell, Reed, Schmidt, Stratford, Thalman, Thomas, Webster, and Wright, William G.—17.

Negative—None.

Also, the following report :

*Indianapolis, January 29, 1877.*

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—In compliance with an order of the Council, dated January 1, 1877, I have completed an inventory of property in my charge belonging to the city, and have filed the same with the City Clerk.

SECOND.

I would recommend the building of a catch-basin at the intersection of the alley between Pennsylvania and Meridian streets with Second street. The alley named is soon to be improved under a contract already approved, and a catch-basin is necessary to carry the water into the sewer.

Respectfully submitted,

BERNHARD H. DIETZ,  
City Civil Engineer.

Which was concurred in, and the Street Commissioner directed to build the catch-basin.

The Board of Health submitted the following report :

Report of deaths in the city of Indianapolis from 6 o'clock P. M. on the 20th day of January, to 6 o'clock P. M., on the 27th day of January, 1877.

Under 1 year	.....	4
1 to 2 years	.....	4
2 to 3 "	.....	0
3 to 4 "	.....	0
4 to 5 "	.....	0
5 to 10 "	.....	2
10 to 20 "	.....	6
20 to 30 "	.....	
30 to 40 "	.....	2
40 to 50 "	.....	3

50 to 60 years.....	0
60 to 70 ".....	0
70 to 80 ".....	0
80 to 90 ".....	0
90 to 100 ".....	0
Above 100 ".....	0
Unknown....	1
<b>Total.....</b>	<b>24</b>

Respectfully submitted,

F. M. HOOK, M. D.,  
President Board of Health.

J. W. MARSEE,  
Secretary Board of Health, pro tem.

Which was received.

ROLL CALL.

By consent, Mr. Craft, from the Fire Board, submitted the following report :

*Indianapolis, January 29, 1877.*

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen:*—Your committee, to whom was referred the ordinance, No. 56, 1876, introduced by Dr. Stratford, would report that we have examined the same, and are of the opinion that such an ordinance should be passed, and we herewith report an ordinance upon the subject, which is in substance the same as the one Dr. Stratford introduced, with some few changes, and we recommend that it be passed.

Respectfully submitted,

W. H. CRAFT,

J. C. ADAMS,

J. L. CASE,

Fire Board.

R. O. HAWKINS,  
City Attorney.

Which was received.

Mr. Craft introduced general ordinance No. 4, 1877, entitled :

An ordinance providing for the better protection of life and property in case of fires in the theaters and Public Halls of the city of Indianapolis.

Which was read the first time.

Mr. McGill offered the following motion :

*Moved*, That J. McB. Shepherd be allowed an extension of time for the completion of Ray street between Tennessee and West streets, for sixty days from January 28, 1877; provided a new bond for the completion of said work be given.

Which was adopted.

Mr. Ransdell presented the following communication :

*Indianapolis, January 29, 1876.*

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—You gave me the position of Weigh Master and Wood Measurer at the West Market, believing, no doubt, that I was competent to fill the position; but the following circumstances would indicate that I was not, or that the Wood Measurer of the East Market was giving over measurement. First. I measured a load of wood for a Mr. E. Avery, and gave him a certificate of measurement, when he drove to the East Market, and the Wood Measurer there said he had more wood than I had allowed. Second. I measured a load of wood for another man, allowing him twenty feet, when he goes to East Market and nets twenty-eight feet allowed him. Third. I measured another load, allowing eighty-six feet, but the party declared he had more wood, and drove down to the East Market, where he was allowed one hundred feet, and drove the same load back to the West Market to sell. Fourth. I measured another load on which I allowed one hundred and thirteen feet, the party drives to East Market and is allowed one hundred and twenty-six feet. Fifth. I measured still another load, allowing one hundred and fifteen feet; the party was dissatisfied and drove to East Market, declaring he could get a larger measurement there, and did get one hundred and twenty-six feet.

I could name a number of other instances of the same kind, if it should become necessary, and can give the names of all the parties above referred to, whose wood was measured at both markets with the above named results.

In conclusion I would request that you appoint a competent person to examine my way of measuring wood, and if I am not doing it correctly, I beg

that you will appoint some one to take my place; and if I am making correct measurements, I desire that some method be adopted to stop the practice of the Measurer of the East Market of giving over measurements.

Your attention to this matter will oblige,

Yours very respectfully,

JOHN SMITHERS,

Wood Measurer West Market.

Mr. Reed moved that a special committee of three be appointed, who, together with the City Civil Engineer, be instructed to investigate the matter.

Which motion was adopted, and the Chair appointed as such committee Councilmen Reed, W. G. Wright, and McGill.

Mr. Ransdell offered the following motion :

*Moved,* That the City Marshal be directed to notify the owners or lessees of the building recently burned, corner of Illinois and Ohio streets, to clear the debris from the sidewalks at once.

Which was adopted.

Mr. Schmidt offered the following motion :

*Moved,* That William H. Lee be granted license to auctioneer for three months at the Great Western Stables, on Wabash street, between Pennsylvania and Delaware streets; said license to be issued under the provisions of an ordinance regulating such matters.

Which was adopted.

Also, the following motion :

*Moved,* That the Chief Fire Engineer be and is hereby instructed to advertise for two thousand feet of hose.

Which was referred to the Fire Board.

Dr. Stratford offered the following motion :

*Moved*, That the City Civil Engineer be directed to cause to be built a catch-basin at the intersection of the first alley south of Merrill street with Virginia avenue.

Which was referred to the City Civil Engineer.

Mr. W. G. Wright offered the following motion :

*Moved*, That the City Civil Engineer examine the grade at the east end of Woodlawn avenue, and report to the Council the most practicable and the cheapest way that the water now standing on said street can be drained off.

Which was adopted.

Mr. Adams offered the following motion :

WHEREAS, At the recent fire at the Academy the Water Works Company failed to furnish a sufficient supply of water; and

WHEREAS, The management of the above company refused to permit the officers of the Fire Department to examine into the condition of the fire plugs in the city to ascertain if the same be frozen, or at all times available for service; and

WHEREAS, According to the terms of the contract between the City and the Water Works Company the city has to pay the sum of fifty dollars per year for each and every plug, and at this time and season many of the water mains are frozen, and in case of fire can not be used; therefore,

*Moved*, That the Committee on Water Works and City Attorney be and are hereby directed to inquire into the conditions of the terms of the contract between the City and Water Works Company, and report whose duty it is to see that the Water Works and fire plugs are at all times fit for service, and whether the city can be compelled to pay for the use of fire plugs that are frozen and unserviceable.

On motion by Mr. Reed, the Fire Board was added to the above committee.

Dr. Stratford offered the following amendment :

Also report the effect such failure to furnish a sufficiency of water has on the contract.

Upon motion by Mr. Darnell, the main question was then ordered.

Dr. Stratford's amendment was then adopted.

The original motion, as amended, was then adopted.

Mr. Thalman offered the following motion :

*Moved*, That the Joint Committee be directed to ascertain, if possible, the number of hydrants that have been frozen so as to be unfit for service, and that the number found to have been in such a condition be deducted from their next bill.

Which was adopted.

Also, the following motion :

*Moved*, That the Civil Engineer be directed to discontinue the use of three gas lamps at the end of the West Washington street bridge over White River and relocate them at any point at which the Council may order new posts to be erected.

Which was referred to the Committee on Gas Lights.

Mr. Darnell offered the following motion :

*Moved*, That the Committee on Gas examine the gas post at the east end of White River bridge, and report to this Council at its next meeting how many gas posts can be dispensed with. The same is located on Washington street.

Which was referred to the Committee on Gas Lights.

Also, the following petition :

*Indianapolis*, January 29, 1877.

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—On the 30th day of September, 1876, I paid to the City Treasurer the sum of forty-eight dollars and eighty-eight cents (\$48.88) on account of city taxes for 1875, charged against lots Nos. 45 and 46 in Butler's Grove addition to the city of Indianapolis.



This tax was paid by me under protest, believing at the time that said lots, under the law, were exempt from taxation. Since the payment of said tax, to-wit, on the 13th day of November, 1875, by action of your honorable body, said taxes were directed to be stricken from the duplicates as erroneous, which has been done by the City Clerk.

Now, therefore, in consideration of said payment, I hereby petition your honorable body to refund the said sum of \$48.88 to me.

And as in duty bound your petitioner will ever pray.

JOHN M. JUDAH,

Treasurer Northwestern Christian University.

Which was referred to the Committee on Finance.

Mr. Diffley offered the following motion :

WHEREAS, A judgment has been rendered against the city, by reason of alleged injury and damage to a citizen of the city, from going over the west bank of White River, in West Indianapolis, the same being caused by said streets and private property bordering on White River being washed away ; therefore, be it

*Moved,* That the Civil Engineer and Committee on Streets and Alleys be, and are hereby instructed to again examine the condition of streets and private property bordering on the west bank of White River, in West Indianapolis, and to report to this Council at their earliest convenience what, in their opinion, would be the best mode of protecting said streets and private lands, making it safe for travel on the streets, and of preventing the periodical washouts, by which said lands and streets are gradually and rapidly being carried away.

Which was adopted.

As a question of privilege, Dr. Stratford moved to reconsider the vote by which the report of the City Attorney and Engineer in relation to the claim of John Greene was approved at the last meeting of Council.

Which motion to reconsider was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, Wiliam G.—22.

Negative—None.

Dr. Stratford moved to refer the subject to the City Attorney and Assessor, with instructions to report as to the ownership of the ground in question, and who is liable for payment for the improvement made.

Which motion was adopted.

Mr. Ransdell offered the following motion :

*Moved*, That the Fire Committee and Chief Fire Engineer be instructed to examine the walls of the Academy of Music, and if they are found to be insecure, that they shall immediately tear them down, or take such other steps as shall make them secure.

Which was adopted.

Mr. Craft moved to suspend the rules for the purpose of taking up and placing upon its second and third reading and final passage, general ordinance No. 4, 1877.

Mr. Adams moved to include general ordinance No. 54, 1876.

Which motion was adopted.

Mr. Craft's motion was then adopted, and the rules suspended by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Darnell, Diffley, Morse, McGill, McGinty, Pouder, Ransdell,

Schmidt, Steinhauer, Stratford, Thalman, Thomas, and Wright, William G.—18.

Negative—Councilmen Reed and Webster—2.

Mr. Adams, from the Committee on Judiciary, submitted the following report :

*Indianapolis, January 29, 1877.*

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—Your Committee on Judiciary, to whom was referred general ordinance No. 54, 1876, supplemental to the building permit ordinance, would report the same back, with recommendations that it pass.

Respectfully submitted,

J. C. ADAMS,

D. M. RANSDALL,

J. J. DIFFLEY,

Committee on Judiciary.

Which was received.

General ordinance No. 54, 1876, entitled :

An ordinance supplemental to an ordinance entitled "An ordinance concerning building and improvements, and regulating the granting of building permits in the city of Indianapolis, within the city limits," passed May 31, 1869.

Was taken up and read the second time.

Upon motion by Mr. Craft, the ordinance was postponed, and made the special order for next Monday night.

General ordinance No. 4, 1877, entitled :

An ordinance providing for the better protection of life and property in case of fire in the theaters and public halls of the city of Indianapolis.

Was read the second time and engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Adams, Byram, Case, Craft, Darnell, Diffley, Izor, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Negative—None.

Mr. Darnell, from special committee, submitted the following report :

*Indianapolis, January 29, 1877.*

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—Your committee, appointed to investigate and report what accommodations the city could obtain in the new Court House, would report that they have received from the County Commissioners a proposition which they file herewith, and they would recommend that the same be accepted, and that the proper steps be taken to have a contract entered into by the City with the County Board.

We would also recommend that a notice be served upon the owners of the building now occupied as a City Hall, notifying them that the city will not occupy the same after the expiration of the year required by the lease.

Respectfully submitted,

C. F. DARNELL,

J. W. BUGBEE

J. J. DIFFLEY,

Committee.

R. O. HAWKINS,

City Attorney.

Also, the following proposition :

*Indianapolis, January 29, 1877.*

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—The Commissioners of Marion County make the following proposition to the Mayor and Common Council of Indianapolis, to-wit :

We will furnish such rooms in the basement of the new Court House, for the use of the various city officers and city police court, as your honorable body, or committee thereof, may select. Also in the upper or Mansard story, one large room for a Council Chamber, and two adjoining smaller rooms, for

the use of Council Committees; the Commissioners to furnish all the above named rooms, finished in good style, protected in the basement by iron doors; to furnish gas light, heat, and water for all the rooms used by the city officers and Council; the city to furnish all the furniture for the use of such rooms, in the way of tables, desks, counters, safes, etc., etc.; the city to pay for the above named accommodations the sum of three thousand (\$3,000) dollars per year, payable quarterly.

COUNTY COMMISSIONERS,  
By A. G. REMEY.

Mr. Ransdell offered the following motion :

*Moved*, That the committee be instructed to close the contract with the County Commissioners, provided that the price named shall be in full for rent, heating, fuel, lights, and janitor services, for such length of time as the city may desire at her option.

Which was adopted.

On motion, His Honor, the Mayor, was added to the above committee.

Mr. Webster moved that Mr. Reasener's absence be excused.

Which motion was adopted.

Mr. Morse offered the following motion :

*Moved*, That the City Attorney take such steps as are necessary to cancel the lease of the present city building, to take effect when the rooms at the Court House are ready to occupy.

Which was adopted.

On motion, the Council adjourned.

A. G. Remy Mayor.

Attest :

Benjamin Wright City Clerk.